Legal Aid Manitoba
L'Aide Juridique du Manitoba

Fifteenth Annual Report

March 31, 1987

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The Legal Aid Services Society of Manitoba
L'Aide Juridique du Manitoba
Annual Report

1987

FIFTEENTH ANNUAL REPORT

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Fiscal Year Ending March 31, 1987

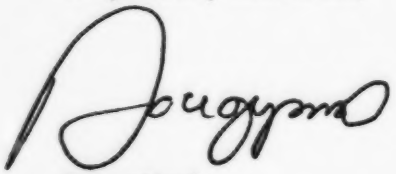
The Honourable Vic Schroeder, Q.C.
Attorney-General
Province of Manitoba
Room 104 - Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

Pursuant to Section 24 of the Legal Aid Services Society of Manitoba Act, I am pleased to submit the Fifteenth Annual Report of the Society for the year ending March 31, 1987.

Detailed statistical information relating to clients, cases and costs is attached as Appendix A. The report of the Provincial Auditor is attached as Appendix C.

Respectfully submitted,



Doug Yard
Chairperson
Board of Directors

LEGAL AID SERVICES SOCIETY OF MANITOBA
FIFTEENTH ANNUAL REPORT, MARCH 31st, 1987
INTRODUCTION

At times it is easy to lose sight of the important role a legal aid plan plays in the justice system. Modern society has become very complex. Legal problems are rarely simple (even for lawyers). More and more people have legal needs. The costs of operating a law practise have risen dramatically, resulting in higher legal fees.

How many of us could afford to hire a lawyer for a serious legal problem without experiencing significant hardship? Without a legal aid plan, low-income Manitobans would have to rely on the charity of friends or relatives, or the charity of lawyers. Many would be denied access to our legal system.

Equality of all Manitobans is a fundamental principle of our justice system. It is something we all take for granted. Without a comprehensive legal aid plan, a large segment of society would be shut out of this system.

We are fortunate in Manitoba that we have a comprehensive legal aid system that served over 68,000 Manitobans last year. In the year ending March 31, 1987 some significant steps (described in the next few pages) were taken to improve the system and ensure not only access but equal access to the justice system by rich and poor alike.

FINANCIAL ELIGIBILITY GUIDELINES

Many factors are considered when determining eligibility for legal aid. These include debts, assets, living expenses and income. In order to ensure a reasonable uniformity throughout the Province, the Legal Aid Board of Directors established financial eligibility guidelines which Area Directors use as an important starting point in determining financial eligibility. These guidelines had remained frozen since April of 1983. In July of 1986, the Attorney-General provided funding for a substantial increase in the guidelines. This helped to ensure that many low-income people (especially those with larger family sizes) could get the legal help they needed.

The guidelines which are a function of family size and gross annual income are as follows:

Family Size	Gross Annual Income
1	$ 9,839
2	12,981
3	17,365
4	20,010
5	23,318
6	25,468
7	28,032

It should be noted that people earning more than the guidelines may, when the totality of their financial position is assessed, be eligible for legal aid.

In some cases, applicants may be required to make a financial contribution, usually in the form of monthly installments. In the 1986/87 fiscal year, almost $130,000 was collected by Legal Aid Manitoba by way of client contribution.

TARIFF OF FEES

Legal Aid Manitoba uses a mixed delivery model - we use both staff lawyers and private bar lawyers. Private bar lawyers are paid on a case by case basis based on a tariff of fees. The tariff of fees is in turn based on an hourly rate which was previously $35.00 per hour. This rate ha not increased since 1981.

In April of 1986, the tariff of fees paid to private bar lawyers in connection with domestic cases (separation, divorce, custody, etc.) was restructured resulting in a 15% net increase of fees paid to the private bar in this area. This was a long overdue adjustment needed to compensate lawyers doing domestic work on a relatively equal basis with lawyers doing criminal work.

In addition, in July of 1986, the hourly rate of fees paid to private bar lawyers doing work on legal aid certificates in all areas was increased from $35.00 per hour to $40.00 per hour. The Attorney-General has also announced plans for further increases in future years.

This is an important development. Unless the private bar lawyers participate in a legal aid system, two classes of clients develop - those who cannot have the lawyer of their choice (the poor) and those who can. Unless the tariff adequately compensates private bar lawyers for their work, they cannot participate in the plan. The tariff increases implemented and announced go a long way to ensuring this continuing participation by the private bar throughout the Province.

NORTHERN MANITOBA

Because of the sparse population and vast geographical area in this part of the province, legal aid services to northern Manitobans have traditionally been much more difficult to deliver. In February of 1987, the Attorney-General and the Federal Minister of Justice announced funding for a special project to improve legal services to northern Manitobans. Commencing in the 1987/88 fiscal year, this pilot project of Legal Aid Manitoba will explore the use of para-legals on a relatively intensive basis in four selected northern communities as a supplement to existing Legal Aid services.

DIVERSIFICATION OF FUNDING

At one time all of the funding for Legal Aid Manitoba came from the Provincial Government. Over the years through a series of cost-sharing agreements and under the Canada Assistance Plan, the Province has steadily increased the amount it recovers from the Federal Government on account of Legal Aid. Last year the Province recovered almost $3,800,000 from the Federal Government on account of Legal Aid expenditures.

The amount of monies recovered by Legal Aid through client contributions and costs awards has increased this fiscal period. In addition, the sum of $112,000 has been recovered from child caring services in connection with legal services rendered on behalf of wards of those agencies.

The Manitoba Law Foundation came into being as of October 1986. The Foundation receives the interest on lawyers' trust accounts and Legal Aid Manitoba receives approximately one-half of these revenues from the Foundation. In the year ending March 31st, 1987, this amounted to $1,085,000. In addition, Legal Aid received two specific grants from the Foundation, one in the amount of $200,000 designated for the Public Interest Law Centre and another in the amount of $60,000 designated for the University Law Centre. While these funds do not increase Legal Aid's budget on a net basis, they do relieve the Provincial Treasury from funding commitments in the same amount.

Diversification of funding is very important to Legal Aid. Because government revenue fluctuates (often in the opposite direction to demand for Legal Aid) alternative sources of funding are essential to maintaining the integrity of legal aid plans in tough economic times. Last year the net cost to the Province was only $4,500,000 or 45% of total expenditures.

SUMMARY

The four major developments described above (the tariff and guideline increases, the pilot project in northern Manitoba and the diversification of funding) all improved our ability to meet our mandate of ensuring equal access to the justice system for all Manitobans.

COMMUNITY LAW CENTRES

In 1986/87 staff at Legal Aid Community Law Centres continued their work providing representation on Legal Aid certificates, duty counsel services, drop-in advice and assistance, and outreach activities. In December 1986, staff of the former Ellen Street office moved to new premises at 635 Broadway and continued their emphasis on the areas of adult criminal law, prison law and immigration law.

The year 1986/87 has been a successful year for the community law centres. Staff have worked very hard. The number of people assisted in the community law centres has increased. During the year, Area Directors and Supervising Attorneys participated more in management and planning for the Society. Staff have been looking at ways to increase their involvement in poverty law and outreach activities in the upcoming year. In addition more new initiatives are planned to enhance access to legal aid in the North.

Public Interest Law Centre

In 1986/87 the Public Interest Law Centre obtained funding from the newly created Manitoba Law Foundation which guaranteed financial assistance to the Centre for 3 years. Staffed by 2 lawyers, one of whom acted as Director and Supervisor, one para-legal, an articling student and a secretary, the Centre continued to provide services to a variety of community organizations and groups throughout the year. Work was done in the areas of housing, mental health, prisons, health services, welfare, unemployment insurance, and the rights of the disabled.

A Charter of Rights action was commenced to quash a City of Winnipeg By-Law controlling and restricting group home residences in Winnipeg, and the Centre represented low-income tenants on the Ministerial Committee reviewing housing and rent control legislation. A variety of consumer rate cases were undertaken including telephone, natural gas, handicapped taxi service and funeral services as well as representation at a gas pricing inquiry concerning deregulation. A challenge was commenced against the federal government's usage of Unemployment Insurance funds to pay for the Forget Royal Commission, with the result that $6,000,000 was restored to the fund.

In September 1986, the Centre organized a training advocacy conference and published a manual entitled "How to Get What You Want - An Advocacy Manual". The Centre's para-legal was involved in various education programs and outreach activities including advocacy training sessions. Informal advice and assistance was also provided throughout the year.

Broadway Community Law Centre

In 1986/87 the former Ellen Street Community Legal Services office was closed and the staff moved to new premises at 635 Broadway Avenue in Winnipeg. The office is staffed by 7 lawyers, 2 articling students, 1 para-legal, and 4 secretaries and is primarily responsible for the provision of legal services in the areas of adult criminal, prison law and immigration law. Staff acted as duty counsel at the criminal docket courts in the City of Winnipeg and participated in an on-call rotation which provided access to a lawyer 24 hours a day for accused persons. The office continued its duty counsel services to the fly-in communities in Bloodvein, Berens River, Little Grand Rapids and Paungassi, as well as Ashern and Pine Falls. A drop-in advice service operated out of the office one evening and four afternoons per week with an immigration drop-in service every Wednesday afternoon. Institutional duty counsel services were provided to both Headingley Correctional Institute and Stony Mountain Penitentiary.

Main Street Community Law Centre

The Main Street office, located in north Winnipeg, is staffed by 7 lawyers, 2 articling students, 1 para-legal and 5 support staff. Although the office's emphasis is primarily in the area of family law and other civil matters, staff provided criminal duty counsel services to the communities of Gypsumville, Fisher Branch, Roseau River, Pine Falls and Steinbach, as well as the federal drug docket in Winnipeg. Drop-in advice was provided 4 afternoons and 2 evenings per week and the office para-legal operated a duty counsel service at the Selkirk Mental Health Centre, other health care facilities in Winnipeg and the Child Welfare docket. Outreach activities included involvement with the Interagency Organization and participation in Law Day.

Youth Office

The Youth Office in Winnipeg continued to provide services almost exclusively to Young Offenders during 1986/87. The office is staffed by 3 lawyers, 2 secretaries and 1 articling student. Duty counsel services were provided daily at the Manitoba Youth Centre and weekly in the community of Portage la Prairie. In addition, a duty counsel program was run at the Agassiz Centre for Youth, a custody facility in Portage la Prairie. Youth office staff continued to handle a high volume of Young Offender Legal Aid certificates. Staff continued outreach activities with community organizations primarily concerned with the Youth Justice System.

Thompson Community Law Centre

The Thompson Legal Aid office staff expanded in the 1986/87 fiscal year with the addition of an articling student. There are also 3 lawyers, and 2 secretaries. Thompson staff continued to provide duty counsel services to the City of Thompson and 15 remote communities, only 5 of which are accessible by road. Staff also worked on legal aid certificates in family and other civil matters and provided drop-in and telephone advice. Outreach activities continued during the year including work with the residents of the local crisis centre as well as various schools and community organizations. It is hoped that the Thompson office will expand further in the 1987/88 year with the addition of para-legals who will provide assistance in the area of civil and family law to 4 communities outside of Thompson.

Westman Community Legal Services

The Westman Community Legal Services office, located in Brandon, serves southwestern Manitoba, an area which has a population of approximately 110,000 people. The office is staffed by 3 lawyers, one of whom is Area Director, a para-legal and 2 secretaries. Duty counsel services were provided in the City of Brandon as well as in Rossburn, Russell, Minnedosa, Neepawa, and Virden. The Westman office processed over 3,000 applications in the fiscal year and increased its activities in the area of outreach work. In particular, staff have been involved in social assistance issues, working with a coalition of other community organizations in Brandon. The office continued to provide institutional duty counsel services to the Brandon Correctional Institute as well as the Brandon Mental Health Centre.

Parklands Community Legal Services

Located in Dauphin, northwest of Winnipeg, the Parklands Office is staffed by 2 lawyers, one of whom acts as Area Director, a para-legal and 3 secretarial staff, 2 of whom job-share one position. Duty counsel services were provided in Dauphin and Swan River as well as Roblin and Camperville. Drop-in clinics were held in Swan River, Roblin and Camperville. Staff handled certificates in criminal and civil matters and provided drop-in advice and assistance in the town of Dauphin. The year 1986/87 saw some increase in public legal education activities which took place primarily in schools, the community college and the Human Resource Opportunity Centre.

Northlands Community Legal Services

1986/87 was a year of relative stability for the Northlands Community Legal Services office which is located in The Pas. The office continued to be staffed by two lawyers, one of whom was Area Director, 1 articling student and 2 secretaries. Duty counsel services were provided in the Town of The Pas as well as the communities of Flin Flon, Moose Lake, Easterville, Grand Rapids, Cranberry Portage and Snow Lake. Drop-in advice clinics were held in all of these communities with the exception of The Pas and Cranberry Portage. The Pas staff continued to carry on a general practice of law, including criminal law, family law, Young Offenders work and civil and administrative cases. Staff handled 69% of all certificates which were issued for The Pas and environs. Outreach activities continued with staff involved in making presentations to educational institutions and participating in the on-going work with a number of community organizations.

ADMINISTRATION

At the end of April of 1986, Robert Freedman left Legal Aid after six years as Executive Director and was replaced by Allan Fineblit. Allan was replaced as Deputy Director by Sheila Rogers who in turn was replaced as Associate Winnipeg Area Director by Bill Dunn.

During the past year, Legal Aid has been developing a computer system to handle many of the Head Office administrative and statistical functions. Increased volumes and limited human resources have made this a necessity. The new computer system is expected to begin operation in the 1987/88 fiscal year.

BOARD OF DIRECTORS

The Board of Directors are responsible for development of policy for the Society. In addition, the Board of Directors hears appeals from the decision of the Executive Director in areas of taxation of accounts and eligibility. In the past year the Board of Directors has considered 206 eligibility appeals, (down from 381 in the 1985/86 year) and 65 of those appeals were allowed. Two hundred and forty (240) (up from 198 in the 1985/86 fiscal year) taxation appeals were considered by the Board with 171 being granted some increase in payment.

During the past year the Board and its Committees dealt with a broad spectrum of issues ranging from the role of the Community Law Centres to the financial eligibility criteria for Legal Aid.

During 1986/87, Rose Cuddy, Robb Tonn and Rocky Pollock resigned from the Board of Directors of the Society. Each had made significant contributions to the functioning of the Society and each will be missed. They have been replaced by Sharon Schultz, Bill Armstrong and Sam Wilder.

The following were Board Members at sometime during the 1986/87 fiscal year:

Doug Yard (chairperson)
Randy McNicol (vice-chairperson)
Colin Trigwell
Perry Schulman
Vicki Francis
Judy Cook Hannibal
Aaron Berg
Audreen Hourie
Renate Krause
Sharon Schultz
Bill Armstrong
Sam Wilder
Rocky Pollock (resigned)
Robb Tonn (resigned)
Rose Cuddy (resigned)

PRIVATE BAR

In the year ending March 31, 1986, there were 1,526 lawyers licensed to practise law in Manitoba. Nine hundred and fifteen (915) of those lawyers were registered on the Legal Aid Panel. Of the 915 lawyers, 882 were members of the private bar. Seven hundred and nine (709) of the private bar lawyers on the Legal Aid Panel were practising in Winnipeg and 173 had practises outside of Winnipeg. One hundred and ninety-one (191) were on the Legal Aid Panel for civil and domestic cases only and 44 were on the Legal Aid Panel for criminal and youth cases only, with the remainder registered on both panels.

These figures do not however accurately reflect private bar participation, since a number of lawyers registered on the Legal Aid Panel do not actively take legal aid cases. A more accurate reflection of active participation is billings.

Five hundred and seven lawyers (507) sent bills to Legal Aid in the past year. The total payments to the private bar were $5,780,000 (compared to $4,800,000 in the previous year). Almost $500,000 of that amount was with respect to disbursements. We actually received bills totalling $6,250,000 for fees which were taxed down in accordance with the Legal Aid Tariff on average by 15%.

The following represents a break-down of payments to the private bar:

Dollars	Number of Lawyers
$100,000 and over	5
$ 80,000 - $99,999	5
$ 60,000 - $79,999	5
$ 40,000 - $59,999	21
$ 20,000 - $39,999	55
$ 10,000 - $19,999	53
$ 1,000 - $ 9,999	237
Under $999	126

Of the top 100 lawyers (in terms of dollars paid), 48% practised exclusively in the area of criminal law, 35% have a mixed practise and 17% practised exclusively in the family law area.

OTHER JURISDICTIONS

Each Province in Canada has its own legal aid plan and all are different. The Directors of all the Legal Aid plans in Canada meet annually to exchange ideas and information. In September of 1986, the meeting of the Association of Legal Aid Plans of Canada took place in Vancouver. The meeting dealt with topics such as reciprocity between Legal Aid plans, the use of para-legals and delivery of legal aid to native Canadians.

Legal Aid Manitoba has an agreement with all other Legal Aid plans in Canada whereby residents of other Provinces and Territories who qualify for legal aid in their home jurisdiction will be granted legal aid in Manitoba and similarily Manitoba residents will be assisted in other jurisdictions. The following table represents some statistical information regarding requests for assistance made to and receive from other jurisdictions.

Province	Number of Requests Received From OTHER PROVINCES	Number of Requests Made To OTHER PROVINCES
British Columbia	30	27
Alberta	34	36
Saskatchewan	15	36
Ontario	41	39
Quebec	2	3
Nova Scotia	2	4
New Brunswick	1	3
Newfoundland	1	0
Prince Ecward Island	0	1
Yukon	0	0
Northwest Territories	0	1
TOTAL	126	150

SOME SIGNIFICANT NUMBERS

— The number of Legal Aid certificates issued to applicants/clients increased sharply from 20,332 in the 1985/86 fiscal year to 22,900 in the 1986/87 year (an increase of 12.6%). This was a result of the increase in the financial eligibility guidelines and changes to the Divorce Act (Legal Aid Manitoba issued 2,330 certificates for divorce in the 1986/87 year as compared to 1,414 in the proceeding year). This increase was handled in part by increased staff productivity (up to 12.3%) and a 12.7% increase in the number of certificates issued to the private bar;

— As in the previous year, seventy percent (70%) of all Legal Aid certificates went to the private bar and 30% went to staff;

— The number of people assisted by duty counsel increased from 24,387 in the 1985/86 fiscal year to 27,219 in the 1986/87 fiscal year (an increase of 11.6%) while the number of people assisted by telephone and drop-in advice dropped slightly from 18,808 to 18,646;

— The total number of people assisted increased from 64,467 in the 1985/86 fiscal year to 68,765 in the 1986/87 fiscal year (6.7%);

— The total expenditures for the year ending March 31, 1987 were $9,946,462 up from $8,561,296 for the previous year. The increase was mainly the result of the increased cost of the tariff and the financial eligibility guideline increase.

CONCLUSION

In last year's Annual Report, optimism was expressed that two areas of ongoing concern; namely the static and depressed financial eligibility guidelines and the inadequate tariff of fees paid to private bar lawyers, would finally be addressed. As noted above, each has been addressed to a significant degree. While further improvements and adjustments are required and will continue to be required in future years, what has been done has strengthened the plan significantly.

At a time when Legal Aid plans across Canada and the United States are struggling to meet increasing demands for service without commensurate increases in resources, and indeed in times with significantly decreased resource bases, Manitoba can be proud that its Legal Aid plan has been able to maintain the integrity of its program intact. This is thanks to a dedicated and hardworking staff (listed in Appendix B), a private bar which demonstrates commitment to the Legal Aid program and perhaps, most importantly, a recognition by governments at both the Federal and Provincial levels, that Legal Aid is not a frill which can be trimmed when times are tough, but rather is an essential service which goes to the very heart of a just and democratic society.

APPENDIX A

Legal Aid Activity by Area

For The Year Ended March 31, 1987
(with the 1986 Comparison in Parenthesis)

Area	Applications For Legal Aid Certificates	Applications Refused	Certificates Issued Civil	Criminal	Youth	Certificates Cancelled	Persons Assisted By Duty Counsel
Brandon	3,258	621	1,087	1,222	328	130	2,257
	(2,849)	(619)	(931)	(1,038)	(261)	(167)	(1,911)
Dauphin	1,140	135	426	506	73	35	1,008
	(1,116)	(163)	(352)	(491)	(110)	(50)	(953)
The Pas & Thompson	1,838	265	491	827	255	28	4,476
	(1,552)	(243)	(469)	(651)	(189)	(22)	(3,944)
Winnipeg	22,546	4,861	5,864	8,840	2,981	1,524	19,478
	(20,661)	(4,821)	(4,852)	(8,391)	(2,597)	(1,321)	(17,579)
Provincial Total	28,782	5,882	7,868	11,395	3,637	1,717	27,219
	(26,178)	(5,846)	(6,604)	(10,571)	(3,157)	(1,560)	(24,387)

NOTES:

1. *In the fiscal year ended March 31, 1987 there were a total of 22,900 (20,332) certificates issued; of this total 6,964 (6,199) were issued to staff lawyers through the following community law centres.*

Winnipeg	*— Broadway*	*2,000*	*(1,743)*
	— Main	*1,495*	*(1,482)*
	— Youth Office	*1,080*	*(1,087)*
	— Head Office	*167*	*(88)*
Westman		*626*	*(389)*
Parklands		*423*	*(407)*
The Pas		*458*	*(414)*
Thompson		*715*	*(589)*
		6,964	*(6,199)*

2. *In the fiscal year ended March 31, 1987 there was a total of 27,219 (24,387) people assisted by Duty Counselling services: of this total 24,477 (21,278) were assisted by staff lawyers through the following Community Law Centres;*

Winnipeg	*— Broadway*	*10,735*	*(8,658)*
	— Main	*1,271*	*(2,109)*
	— Youth Office	*5,297*	*(4,336)*
	— Head Office	*15*	*Nil*
Westman		*2,006*	*(1,570)*
Parklands		*958*	*(940)*
The Pas		*1,528*	*(1,366)*
Thompson		*2,667*	*(2,299)*
		24,477	*(21,278)*

(Table continued on next page)

3. *For the year ended March 31, 1987, 5,882 (20.4%) of the applications for Legal Aid were refused as compared to 5,846 (22.3%) in the previous year.*

4. *For the year ended March 31, 1987, there was a total of 18,646 (18,808) telephone and drop-in inquiries and 975 (940) non certificate files opened for a total of 19,621 (19,748) people assisted broken down as follows:*

Winnipeg	*— Broadway*	*3,154*	*(3,002)*
	— Main	*3,470*	*(3,483)*
	— Youth Office	*478*	*(860)*
	— University	*619*	*(564)*
	— Head Office	*260*	*(417)*
Westman		*3,874*	*(4,250)*
Parklands		*4,376*	*(3,747)*
Selkirk		*621*	*(74)*
The Pas		*1,469*	*(1,583)*
Thompson		*1,300*	*(1,768)*
		19,621	*(19,748)*

5. *For the year ending March 31, 1987, there was a total of 69,740 (64,467) people assisted either on a formal or informal basis.*

Analysis of Certificates Issued
For the Year Ended March 31, 1987
(with the 1986 Comparisons in Parenthesis)

Certificate Classification	Private Bar	Law Centres	Totals
Criminal			
Appeals—Crown	69	8	77
	(41)	(16)	(57)
—Client	118	24	142
	(120)	(26)	(146)
—Youth	20	15	35
	(13)	(9)	(22)
Arson	56	46	102
	(46)	(47)	(93)
Assault	1,140	662	1,802
	(1,096)	(572)	(1,668)
Attempted Homicide and Wounding	74	22	96
	(89)	(24)	(113)
Breach of Probation and Escape Custody	949	394	1,343
	(813)	(253)	(1,066)
Break and Enter	1,640	961	2,601
	(1,463)	(888)	(2,351)
Disposition Review or Reconsideration of Youth	148	123	271
	(108)	(67)	(175)
Fraud and False Pretences	666	263	929
	(643)	(196)	(839)
Homicide and Death by Criminal Negligence	73	17	90
	(58)	(11)	(69)
Immigration	1	5	6
	(4)	(9)	(13)
Legal Opinion	1	2	3
	(6)	(6)	(12)
Motor Vehicle Offences	1,019	398	1,417
	(801)	(309)	(1,110)
Narcotics	414	113	527
	(466)	(136)	(602)
Non-Federal Youth Matters	4	6	10
	(2)	(6)	(8)
Parole Hearings	51	82	133
	(18)	(7)	(25)
Possession of Offensive Weapons	679	405	1,084
	(647)	(371)	(1,018)
Robbery	307	121	428
	(337)	(123)	(460)

(Table continued on next page)

Certificate Classification	Private Bar	Law Centres	Totals
Sexual Assault and other Sexual Offences	377 (293)	195 (147)	572 (440)
Theft	1,784 (1,872)	838 (861)	2,622 (2,733)
Youth Transfers	8 (5)	6 (3)	14 (8)
Other	487 (456)	241 (244)	728 (700)
	10,085 (9,397)	4,947 (4,331)	15,032 (13,728)
Civil			
Adoption	59 (35)	37 (32)	96 (67)
Appeals	27 (44)	19 (14)	46 (58)
Civil Suits	137 (152)	83 (79)	220 (231)
Custody	1,035 (723)	388 (327)	1,423 (1,050)
Divorce	1,780 (1,041)	550 (373)	2,330 (1,414)
Immigration	45 (34)	57 (28)	102 (62)
Landlord & Tenant	30 (32)	11 (28)	41 (60)
Legal Opinion	30 (25)	25 (41)	55 (66)
Other Administrative Matters	79 (77)	53 (71)	132 (148)
Parentage Proceedings	173 (108)	50 (46)	223 (154)
Separation	1,470 (1,555)	395 (487)	1,865 (2,042)
Variation Applications	662 (638)	156 (174)	818 (812)
Welfare	20 (28)	26 (35)	46 (63)
Other	304 (245)	167 (132)	471 (377)
	5,851 (4,737)	2,017 (1,867)	7,868 (6,604)

Analysis of Completed Cases By Type of Case
(Private Bar Only)
For the Year Ended March 31, 1987
(with the 1986 Comparisons in Parenthesis)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Criminal			
Appeals—Crown	65	$ 36,925	$ 568.08
	(38)	(20,847)	(548.61)
—Client	132	121,164	917.91
	(107)	(124,691)	(1,165.34)
—Youth	Nil	Nil	Nil
	(26)	(11,358)	(436.85)
Arson	37	24,002	648.70
	(47)	(20,994)	(446.68)
Assault	1,170	391,633	334.73
	(1,024)	(327,599)	(319.92)
Attempted Homicide and Wounding	66	59,059	894.83
	(80)	(62,469)	(780.86)
Breach of Probation and Escape Custody	803	200,836	250.11
	(727)	(173,879)	(239.17)
Break and Enter	1,161	383,383	330.22
	(1,302)	(406,344)	(312.09)
Disposition Review or Reconsideration Youth	Nil	Nil	Nil
	(78)	(16,844)	(215.95)
Fraud and False Pretences	594	182,357	307.00
	(593)	(171,044)	(288.44)
Homicide and Death by Criminal Negligence	56	187,971	3,356.62
	(60)	(266,167)	(4,436.12)
Immigration	5	1,542	308.40
	(7)	(2,098)	(299.71)
Legal Opinions	3	538	179.33
	(2)	(433)	(216.50)
Motor Vehicle Offences			
—Federal Statutes	751	218,831	291.39
	(561)	(148,759)	(265.17)
—Provincial and Municipal Statutes	203	51,557	253.98
	(148)	(33,538)	(226.61)
Narcotics			
—Indictable	360	146,272	406.31
	(262)	(93,810)	(358.05)
—Non Indictable	103	25,635	248.88
	(121)	(27,923)	(230.77)
Parole Hearings	43	8,924	207.54
	(23)	(4,581)	(199.18)
Possession of Offensive Weapons	496	186,312	375.63
	(574)	(204,236)	(355.81)

(Table continued on next page)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Robbery	308 (288)	165,297 (152,296)	536.68 (528.81)
Sexual Assault and other Sexual Offences	288 (246)	185,771 (155,819)	645.04 (633.41)
Theft	1,590 (1,824)	438,374 (494,211)	275.71 (270.95)
Youth Transfers	Nil (34)	Nil (20,495)	Nil (602.79)
Other	519 (511)	148,722 (153,253)	286.56 (299.91)
	8,753 (8,683)	$ 3,165,105 (3,093,688)	361.60 (356.29)
Criminal Youth			
Appeals—Youth	23	15,406	669.83
Arson	18	6,440	357.78
Assault	146	42,809	293.21
Attempted Homicide & Wounding	6	7,076	1,179.33
Breach of Probation & Escape Custody	103	26,971	261.85
Break and Enter	494	141,442	286.32
Disposition Review or Reconsideration Youth	168	42,665	253.96
Fraud and False Pretences	40	10,494	262.35
Homicide & Death by Criminal Negligence	4	10,123	2,530.75
Motor Vehicle Offences — Federal Statutes — Provincial Municipal Statutes	 27 4	 8,394 1,126	 310.89 281.50
Narcotics — Indictable — Non Indictable	 17 21	 5,508 5,244	 324.00 249.71
Non-Federal Youth Matters	1	476	476.00
Possession of Offensive Weapon	70	21,490	307.00
Robbery	63	22,179	352.05
Sexual Assault & Other Sexual Offences	54	24,941	461.87
Theft	475	128,642	270.83
Youth Transfers	23	16,245	706.30
Other	93	23,723	255.09
	1,850	$ 561,394	$ 303.46

(Table continued on next page)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Civil			
Adoption	40	10,549	263.72
	(26)	(8,886)	(341.77)
Appeals	44	45,176	1,026.73
	(42)	(57,292)	(1,364.10)
Civil Suits	177	111,906	632.24
	(203)	(107,225)	(528.20)
Custody	860	333,028	387.24
	(621)	(242,614)	(390.68)
Divorce	1,354	562,282	415.27
	(1,132)	(455,950)	(402.78)
Immigration	28	9,221	329.32
	(17)	(5,857)	(344.53)
Landlord & Tenant	29	8,353	288.03
	(40)	(11,547)	(288.68)
Legal Opinions	23	3,430	149.13
	(11)	(2,016)	(183.27)
Other Administrative Matters	79	20,652	261.42
	(88)	(23,458)	(266.57)
Parentage Proceedings	133	46,627	350.58
	(104)	(38,885)	(373.89)
Separation	1,475	530,772	359.85
	(1,465)	(506,149)	(345.49)
Variation Applications	703	273,563	389.14
	(652)	(237,150)	(363.73)
Welfare	33	6,541	198.21
	(20)	(3,159)	(157.95)
Other	181	55,682	307.64
	(212)	(58,460)	(275.75)
	5,159	$ 2,017,782	$ 391.12
	(4,633)	(1,758,648)	(379.59)

***Note**: As of March 31, 1987 there were approximately 13,604 cases yet to be completed and paid, compared to 13,529 in the previous year.*

***Note**: Criminal Youth was included in Criminal Adult in the prior year.*

Legal Aid Fees and Disbursements By Area
(Private Bar Only)
For the Year Ended March 31, 1987
(with the 1986 Comparisons in Parenthesis)

	Fees	Disbursements	Total	Completed Cases	Average Cost Per Case
CRIMINAL ADULT					
Brandon	$ 248,931	$ 14,075	$ 263,006	848	$ 310.15
	(245,549)	(20,264)	(265,813)	(887)	(299.68)
Dauphin	117,838	3,739	121,577	379	320.78
	(137,594)	(12,466)	(150,060)	(391)	(383.79)
Selkirk	2,881	432	3,313	9	368.11
	(17,111)	(2,383)	(19,494)	(41)	(475.46)
The Pas & Thompson	59,519	8,676	68,195	162	420.96
	(33,682)	(4,178)	(37,860)	(116)	(326.38)
Winnipeg	2,557,987	151,027	2,709,014	7,355	368.32
	(2,421,812)	(198,649)	(2,620,461)	(7,248)	(361.54)
CRIMINAL YOUTH					
Brandon	65,844	2,425	68,269	235	290.51
Dauphin	11,253	520	11,773	44	267.57
Selkirk	3,680	208	3,888	2	1,944.00
The Pas & Thompson	6,339	557	6,896	19	362.95
Winnipeg	450,111	20,457	470,568	1,550	303.59
CIVIL					
Brandon	233,681	31,176	264,857	914	289.78
	(215,769)	(35,336)	(251,105)	(883)	(284.38)
Dauphin	57,960	6,787	64,747	188	344.40
	(37,388)	(6,601)	(43,989)	(135)	(325.84)
Selkirk	13,675	2,602	16,277	40	406.92
	(20,611)	(5,889)	(26,500)	(53)	(500.00)
The Pas & Thompson	54,251	10,718	64,969	194	334.89
	(40,726)	(12,289)	(53,015)	(163)	(325.25)
Winnipeg	1,377,314	229,618	1,606,932	3,823	420.33
	(1,080,498)	(303,541)	(1,384,039)	(3,399)	(407.19)
Total Completed Cases	$ 5,261,264	$ 483,017	$5,744,281	$15,762	$ 364.44
	(4,250,740)	(601,596)	(4,852,336)	(13,316)	(364.40)
Pre-Completion Disbursements	Nil	65,179	65,179		
	(Nil)	(92,037)	(92,037)		
	$ 5,261,264	$ 548,196	$5,809,460		
	(4,250,740)	(693,633)	(4,944,373)		

***Note**: Criminal Youth was included in Criminal Adult in the prior year.*

Analysis of Completed Cases By Court
(Private Bar Only)
For the Year Ended March 31, 1987
(with the 1986 Comparisons in Parenthesis)

Court	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Provincial Court (Criminal Division)	7,950 (6,452)	$ 2,421,575 (1,843,915)	$ 304.60 (285.79)
Provincial Court (Youth Division)	1,817 (1,293)	544,906 (372,460)	299.89 (288.06)
Provincial Court (Family Division)	468 (479)	173,629 (176,818)	371.00 (369.14)
County Court	20 (49)	13,246 (35,973)	662.30 (734.14)
Queen's Bench	3,453 (3,169)	2,084,332 (1,931,221)	603.63 (609.41)
Surrogate	Nil (2)	Nil (2,651)	Nil (1,325.50)
Court of Appeal	179 (141)	168,662 (161,667)	942.25 (1,146.57)
Federal Court	10 (16)	4,409 (4,484)	440.90 (280.25)
Supreme Court	7 (9)	17,974 (33,066)	2,567.71 (3,674.00)
Review Board	151 (111)	41,561 (49,766)	275.24 (448,34)
Matters not resulting in Court Proceedings	1,707 (1,595)	273,987 (240,315)	160.51 (150.67)
	15,762 (13,316)	5,744,281 (4,852,336)	364.44 (364.40)

Duty Counsel Fees and Disbursements
(Private Bar Only)
For the Year Ended March 31, 1987
(with the 1986 Comparisons in Parenthesis)

	Persons Assisted	Total Fees and Disbursements	Average Cost Per Person Assisted
Brandon	251 (341)	$ 4,442 (6,452)	$ 17.62 (18.92)
Dauphin	50 (13)	815 (416)	16.30 (32.00)
Selkirk	450 (272)	11,490 (6,787)	25.53 (24.95)
The Pas & Thompson	281 (279)	18,319 (16,175)	65.19 (57.97)
Winnipeg	240 (641)	2,612 (8,698)	10.88 (13.57)
	1,272 (1,546)	$ 37,658 (38,528)	$ 29.61 (24.92)

APPENDIX "B"

The following is a list of staff who were employed by Legal Aid Manitoba during some portion of the 1986/87 fiscal year:

Larry Allen
Doreen Ander
Elizabeth Babian
Nikki Balczok
Pat Balkaran
Donna Barteski
Monika Beatty
Charles Birks
Debra Bennett
Loraine Braden
Rod Brecht
Kelly Breton
Pat Brewster
Marjorie Bruce
Nadia Burke
Donna Campbell
Pam Campbell
Carol Champagne
Vicky Colosimo
Mavis Condon
Willis Congdon
Denise Cote
Joan Crowe
Colleen Davidson
Monique Decarie
Diane Demeule
Laura Dempsey
William Dunn
Lea Duval
Diane Dzydz
Judy Elliott
Allan Fineblit
Robert Freedman
Lorne Giesbrecht
Bob Grafton
Merv Hart
Bob Heinrichs
Lorrie Hill
Carla Hlady
Sandra Hoeppner
Karen Hogue
Leona Hogue
Mel Holley
Boris Hwozdulych
Judy Inder
Dan Jamieson
Ann Jenkinson
Karen Julius
Ronn Klassen
Derek Knipe
Renate Krause
Marlene Lagimodiere
Jim Laquette
Carla Lewis
Lynn Loreth
Yu Ping Liu
Gail MacAulay
Jim MacDonald
Bill Malcolm
Sharon Maltz
Malcolm McDonald
Theresa McDonald
Anne McGarry
Leslie McKenzie
Judi McLeod
Cynthia Menard
William Merrett
Kim Mesojednik
Marty Minuk
Maureen Mooney
Don Mullord
Wendy Murray
Ingrid Nickel
Mike Paluk
Joanne Parisien
Jim Parrott
Maureen Pearson
Marietta Pellettieri
Arne Peltz
Harry Peters
David Phillips
Marilyn Pilon
Margaret Poneira
Heather Pullan
James Radford
James Ramsay
Nancy Reid
Sheila Rogers
Wayne Rose
Fred Sandhu
Shirley Shimizu
Brenda Silver
Nellie Simmons
Richard Swan
Marg Sveinson
Murray Thompson
Hilda Towers
Roberta Turner
Caryl Unruh
Alexandra Venema
Cora Villaneuva
Michael Walker
Susan Warren
Angela Werbecki
Valerie West
Louise Wilkinson
Lynn Wilkinson
Marcy Zlotnick

APPENDIX C

Manitoba

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

REPORT OF THE PROVINCIAL AUDITOR'S OFFICE

We have examined the financial statements, being Exhibits A and B and Schedules 1 to 4 of The Legal Aid Services Society of Manitoba for the fiscal year ended March 31, 1987. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as we considered necessary in the circumstances.

In our opinion, these financial statements present fairly the position of the Fund of The Legal Aid Services Society of Manitoba as at March 31, 1987 and the results of its operations for the year then ended in accordance with the accounting policies stated in note 2 to the financial statements applied on a basis consistent with that of the preceding year.

J.W. Singleton, CA,
Assistant Provincial Auditor

June 19, 1987,
Winnipeg, Manitoba.

Exhibit A

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Statement of Fund
as at March 31, 1987
(with 1986 figures for comparison)

	1987	1986
Fund balance beginning of year	$ 30,462	$ 22,427
(Deficiency) excess of receipts over disbursements, Exhibit B	(5,645)	8,035
Fund balance end of year	$ 24,817	$ 30,462
Fund balance represented by:		
Cash on hand and in bank	$ 714,923	$ 78,682
Outstanding reimbursement from the Government of the Province of Manitoba (Note 2.a)	200,000	-
Cheques issued and outstanding (Note 2.a)	(890,106)	(48,220)
Fund balance end of year	$ 24,817	$ 30,462

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Statement of Receipts and Disbursements
for the year ended March 31, 1987
(with 1986 figures for comparison)

	1987	1986
Receipts:		
Government of the Province of Manitoba:		
Grants (Note 2.a)	$ 5,300,000	$ 5,560,000
Salaries and other payments	2,903,793	2,709,389
Health and post secondary education tax levy - Civil Service Commission	42,082	40,025
Legal assistance - Northern Community Councils (Note 3)	2,366	5,764
The Manitoba Law Foundation:		
Grant	1,085,009	-
Public Interest Law Centre	200,000	-
University Law Centre	60,000	-
Government of Canada - grant re Public Interest Law Centre	-	1,250
Contributions from clients	129,816	96,921
Recoveries - wards of agencies	112,293	64,778
- private bar fees	33,537	19,388
- Public Interest Law Centre	21,446	15,654
Judgement costs and settlements	27,533	34,926
Interest income	19,788	20,996
Insurance claim recovery	2,954	-
Other	200	240
Total receipts	9,940,817	8,569,331
Disbursements:		
Private bar fees and disbursements (Note 2.a):		
Legal aid certificates	5,715,873	4,743,243
Duty counsel services	64,567	61,839
	5,780,440	4,805,082
Community Law Centres, Schedule 1 (Note 4)	2,779,841	2,492,583
Public Interest Law Centre, Schedule 2	194,648	163,522
University Law Centre, Schedule 3	53,807	51,889
General and administrative, Schedule 4	1,135,360	1,042,456
Legal assistance - Northern Community Councils (Note 3)	2,366	5,764
Total disbursements	9,946,462	8,561,296
(Deficiency) excess of receipts over disbursements, Exhibit A	$ (5,645)	$ 8,035

Schedule 1

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Community Law Centres
Schedule of Operating Expenses
for the year ended March 31, 1987
(with 1986 figures for comparison)

	1987	1986
Advertising and information	$ 682	$ 844
Certificate disbursements	82,341	65,703
Duplicating services and supplies	23,953	28,363
Fly-in duty counsel program - travel	43,160	38,391
Furniture, equipment and leasehold improvements - net of disposals	28,679	10,044
Health and post secondary education tax levy	29,243	27,477
Library	26,402	21,606
Maintenance	18,209	12,700
Meetings and seminars	20,825	8,802
Office and postage	115,602	124,136
Office relocation	5,211	4,082
Rent	115,388	85,301
Salaries and benefits - professional	1,722,894	1,588,316
- clerical	390,998	344,198
Staff recruitment	10,074	1,907
Stationery and forms	2,482	3,410
Sundry	915	1,931
Telephone	72,705	59,129
Travel	60,029	51,331
Utilities	10,049	14,912
Total, Exhibit B	$ 2,779,841	$ 2,492,583

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Public Interest Law Centre
Schedule of Operating Expenses
for the year ended March 31, 1987
(with 1986 figures for comparison)

	1987	1986
Expert witnesses and consultants	$ 21,195	$ 32,717
File disbursements	6,504	3,444
Furniture and equipment	8,853	-
Health and post secondary education tax levy	1,785	1,610
Legal researcher	1,241	705
Meetings and seminars	2,785	1,100
Salaries and benefits	142,535	115,699
Sundry	6,622	5,309
Travel	3,128	2,938
Total, Exhibit B	$ 194,648	$ 163,522

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

University Law Centre
Schedule of Operating Expenses
for the year ended March 31, 1987
(with 1986 figures for comparison)

	1987	1986
Certificate disbursements	$ 751	$ 763
Duplicating services and supplies	490	795
Health and post secondary education tax levy	456	469
Meetings and seminars	11	172
Office and postage	2,371	2,197
Salaries and benefits - professional	24,739	22,460
- clerical	19,542	20,339
Stationery and forms	282	423
Telephone	2,275	1,943
Travel	2,890	2,328
Total, Exhibit B	$ 53,807	$ 51,889

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Schedule of General and Administrative Expenses for the year ended March 31, 1987

(with 1986 figures for comparison)

	1987	1986
Advertising and information	$ 3,165	$ 2,244
Bank charges	5,828	6,240
Collections	3,316	4,005
Data processing	74,650	3,219
Directors' fees and expenses	17,597	19,959
Duplicating services and supplies	17,370	23,980
Evaluation study	941	7,500
Furniture, equipment and leasehold improvements - net of disposals	1,401	3,604
Health and post secondary education tax levy	11,090	10,642
Library	4,881	4,980
Maintenance	2,706	1,006
Meetings and seminars	5,810	5,082
Office and postage	79,063	67,301
Professional fees	13,593	10,880
Rent	63,494	65,832
Salaries, honoraria and benefits	769,078	742,136
Staff recruitment	778	2,467
Stationery and forms	19,589	24,471
Sundry	1,555	993
Telephone	26,965	23,502
Travel	9,450	9,345
Utilities	3,040	3,068
Total, Exhibit B	$ 1,135,360	$ 1,042,456

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Notes to Financial Statements for the year ended March 31, 1987

1. Objective of the Society

The objective of the Society is to assist individuals, groups and organizations who, left to their own means, could not afford to retain the services of a lawyer. Clients may be charged a fee based on their ability to pay.

Legal aid may be furnished to groups and organizations involving matters of an interest common to members of the group and relating to issues of public interest such as, but not restricted to, consumer and environmental issues.

Legal aid may be provided to wards of agencies if they would otherwise be eligible for legal aid. The cost of the legal aid provided is recovered from the agencies.

2. Significant Accounting Policies

a) Cash Basis of Accounting

The Society presents its financial statements on a cash basis with the following exceptions:

i) The Society takes into receipts, grants received from the Government of the Province of Manitoba after the end of the fiscal year when these are paid by the Government out of funds voted for the year then ended.

ii) The Society records as disbursements, payments made after the end of the fiscal year of billings for private bar fees and disbursements, when these are reimbursed by the Government out of funds voted for the year then ended. The payments are included in cheques issued and outstanding shown in the Statement of Fund.

b) Fixed Assets

Fixed assets are charged to operations in the year acquired.

Notes to Financial Statements
for the year ended March 31, 1987

c) Pensions

In accordance with the provisions of The Manitoba Civil Service Superannuation Act, the Society contributes 50% of the pension disbursements made to retired employees. Such payments are charged to operations as incurred and provisions is not made in the accounts to fund current or past service obligations to the Superannuation Fund. On the basis of an actuarial report, the unfunded liability for the Society's employees amounted to $818,101 as at December 31, 1986 (1985 - $666,712).

d) Salary Related Costs

Staff benefits and other salary related costs are paid directly out of an appropriation of the Government of the Province of Manitoba and are handled by the Society as described below.

Where the amounts of a particular salary related cost are readily determinable, the amount is shown as a receipt from the Government of the Province of Manitoba and as an expenditure in the appropriate disbursement category. The salary related costs recorded in this manner are pension costs as described in (Note 2 c), unemployment insurance, Canada Pension Plan, group life insurance and the health and post secondary education tax levy.

Where the amounts of a particular salary related cost are not readily determinable, these costs are excluded from the Statement of Receipts and Disbursements. The salary related costs which are handled in this manner are Workers Compensation Board assessments, dental plan and long-term disability payments.

Previously, a significant portion of the health and post secondary education tax levy was considered not readily determinable and excluded from the Statement of Receipts and Disbursements. These amounts have now been determined and reflected retroactively in this statement. This change has no effect on the (deficiency) excess of receipts over disbursements or the fund balance.

Notes to Financial Statements
for the year ended March 31, 1987

3. Legal Assistance - Northern Community Councils

The Society administers an agreement between the Government of the Province of Manitoba, Department of Northern Affairs, and a private legal counsel regarding provision of legal advice and service to the Northern Association of Community Councils pursuant to the Northern Flood Agreement. The Society reviews and processes for payment the billings of the legal counsel and is reimbursed by the Government of the Province of Manitoba.

4. University Law Centre

Effective April 1, 1986 The Manitoba Law Foundation funded the operations of the University Law Centre. The costs associated with the Centre were previously funded by the Government of the Province of Manitoba and were reflected in the Schedule of Community Law Centres.

5. General and Administrative Expenses

General and administrative expenses incurred to provide services of the Public Interest Law Centre, the University Law Centre and the Society's other programs are reflected in the Schedule of General and Administrative Expenses.

6. Significant Commitments, Liabilities and Receivables

a) Commitments

i) Estimated total commitments for future billings on outstanding legal aid certificates amounted to $4,593,000 for the year ended March 31, 1987 (1986 - $4,230,000).

ii) The Society rents facilities under operating leases. The aggregate annual rental of the commitments under the leases, which expire at varying dates to March 31, 1992, are:

1988	$ 204,019
1989	216,171
1990	148,601
1991	126,424
1992	57,781
	$ 752,996

Notes to Financial Statements
for the year ended March 31, 1987

b) Liabilities

	March 31 1987	March 31 1986
Approximate liability for legal aid certificate billings received but unpaid	$ 52,000	$ 362,000
Approximate liability for duty counsel billings received but unpaid	2,000	3,500
Approximate liability for unpaid general and administrative, Community Law Centres and Public Interest Law Centre operating expenses	101,000	75,000
	$ 155,000	$ 440,500

c) Receivables

Approximate accounts receivable respecting contributions, recoveries and judgements, without providing an allowance for doubtful accounts amounted to $138,000 for the year ended March 31, 1987 (1986 - $161,000).

7. Comparative Figures

Certain comparative figures on the financial statements have been restated to conform with the presentation of the current year.